SINGLE BENCH

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) NO. 1197 /2007

PETITIONER

Ram Bishal, S/o. Shri Ram Sai, aged about 60 years, R/o. Village Tokro, Post Manikchauri, Tehsil Abhanpur, District Raipur (C.G.)

R.R. No. 1449/07
Presented by Shri Dashrath Lal
dated 19/12/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through Secretary,
Public Works Department,
Mantralaya, D.K.S. Bhavan, Raipur (C.G.)

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2. Engineer in Chief
Public Works Department,
Mantralaya D.K.S. Bhawan, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC. OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER

(32)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1197 of 2007

Petitioner : Ram Bishal

Versus

Respondents : State of Chhattisgarh and another

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Sunil Otwani, Advocate for the petitioner.
Mrs. Anju Ahuja, Deputy Govt. Advocate for the State/respondents.

O R D E R

(Passed on this 1st Day of March, 2007)

1. By this petition, learned counsel appearing for the petitioner submits that the petitioner was employed as Gangman in the department of Public Works and the petitioner, who has worked for more than 30 years as Gangman seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the

(33)

petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash